

**CIVIL SERVICE COMMISSION MINUTES
MAY 2, 2007**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Francesca Krauel
W. Dale Bailey
Cheryl Fisher
A.Y. Casillas
Barry I. Newman

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William D. Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission**

June 6, 2007

<u>1:30 p.m.</u>	CLOSED SESSION: No Items for Discussion
<u>2:30 p.m.</u>	OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Casillas. Carried.

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DISCIPLINES

Findings

5. Commissioner Bailey: Fern Steiner, Esq., on behalf of **2007-01**, appealing an Order from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of 2007-01, from a written Order of Discipline from the Sheriff's Department was presented to the Civil Service Commission. The Commission appointed Commissioner W. Dale Bailey, one of its members, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on March 27, 2007.

Based on the Findings and Conclusions it is therefore recommended that that the Sheriff's Order of Discipline be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Bailey to approve Findings and Recommendations; seconded by Newman. Carried.

6. Commissioner Casillas: Bradley Fields, Esq., on behalf of **2007-02**, appealing an Order from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of 2007-02, from a written Order of Discipline from the Sheriff's Department was presented to the Civil Service Commission. The Commission appointed Commissioner A. Y. Casillas, one of its members, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on March 22, 2007.

Based on the Findings and Conclusions, it is therefore recommended that that the Sheriff's Order of Discipline be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Casillas to approve Findings and Recommendations; seconded by Newman. Carried.

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7. Commissioner Newman: Dequasia Gardner, SEIU Local 221, on behalf of **Roy Mitchell**, former Supervising Human Services Specialist, appealing a Final Order of Removal and Charges from the Health and Human Services Agency.

FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of Roy Mitchell, from a written Final Order of Removal and Charges removing him from his class and position of Supervising Human Services Specialist (Class No. 5222) in the Health and Human Services Agency was presented to the Civil Service Commission. The Commission appointed Barry I. Newman, one of its members, to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on April 3, 2007. Appellant Roy Mitchell (hereinafter referred to as "Employee") was a Supervising Human Services Specialist ("SHSS") who was terminated for allegedly harassing and making inappropriate comments to two female co-workers. Employee had received previous discipline for making inappropriate comments. The Agency proved the charges and that the circumstances supported termination. It is therefore recommended that the Final Order of Removal and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Newman to approve Findings and recommendations; seconded by Bailey. Carried.

DISCRIMINATION

Findings

8. Commissioner Krauel: **2007-04**, alleging discrimination by the Probation Department.

Prior to the reading of the Findings, Joe Alkire spoke on behalf of 2007-04. Mr. Alkire stated that he had worked with Complainant and greatly appreciates his input and leadership. He further stated that Complainant is an asset that will be hard to replace.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission (Commission) on February 7, 2007, the Commission appointed Francesca Krauel to investigate the complaint submitted by

2007-04, which alleged discrimination by the Probation Department. In accordance with the established rules and procedures of the Commission, the matter was concurrently referred to the Office of Internal Affairs (OIA) for investigation. The OIA concluded the investigation on or about April 2, 2007, and has reported its findings to the Commission. The Investigating Officer has taken into consideration all documentation submitted in this matter. The report of OIA has been received and reviewed by the Investigating Officer who concurs with OIA's Report and has concluded that: The evidence does not support a finding of probable cause that a violation of discrimination laws occurred. It is therefore recommended that 2007-04's Rule VI discrimination complaint be denied; and the Commission approve and file this report with the appended OIA Summary Investigative Report with a finding of no probable cause to believe that the Complainant has been unlawfully discriminated against.

Motion by Krauel to approve Findings and Recommendations; seconded by Casillas. Carried.

9. Commissioner Fisher: **Cecilia Padres**, Environmental Health Specialist II, alleging retaliation and political affiliation discrimination by the Department of Planning and Land Use.

FINDINGS AND RECOMMENDATIONS:

Continued.

SELECTION PROCESS

Findings

10. **Timothy J. Mika**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet-Detentions/Court Services.

RECOMMENDATION: Ratify Item No. 10. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item No. 10 ratified.

OTHER MATTERS

11. Public Input.

ADJOURNED: 2:55 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: JUNE 6, 2007